

PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0551-0051

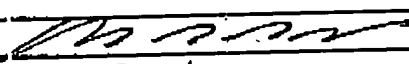
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/761,380	
	Filing Date	02/18/2004	
	First Named Inventor	KENNEDY	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	32	Attorney Docket Number	6865-20-2

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	AKERMAN SENTERFITT Mark D. Passler, Registration No. 40,764
Signature	
Date	7-29-04

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of KENNEDY et al.

Application No. 10/781,380

Examiner:

Filed: February 18, 2004

Group Art Unit:

For: HAIR COLORING DEVICE AND METHODS

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR 81.27(b)**CERTIFICATE OF TRANSMISSION/MAILING**

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Mark D. Passler Reg. No. 40,764

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. In accordance with the Rules in effect for applications filed after June 30, 2003, copies of U.S. patents and/or patent application publications are not enclosed.

The references were cited in part in Office Actions/Search Reports issued by the European, Great Britain, Japanese and Chinese patent offices on counterpart foreign applications. A copy of the EP and GB search reports are enclosed for the Examiner's information. A copy a translation into English of relevant parts of the Japanese Office Action is also enclosed. Please note that U.S. Patent No. 6,746,165 cited herein is a U.S. equivalent of JP 2003-024128 cited in the JP Office Action. Similarly, U.S. Patent No. 6,626,599 cited herein is a U.S. equivalent of JP 2001-224424 cited in the JP Office Action. U.S. Patent No. 2,865,383 to McDougall Kaley cited in the EP search report is an equivalent of GB 808,762 and GB 819,778 (WP180535:1)

1



European Patent Office

EUROPEAN SEARCH REPORT

Application Number
EP 04 25 0852**DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (INCL.7)
X	US 2003/024544 A1 (THIEBAUT LAURE) 6 February 2003 (2003-02-06) * paragraph '00091 - paragraph '00221 * * paragraph '00351 - paragraph '00501; claims; figures *	1, 2, 4, 5	A45D19/02
A	US 2 865 383 A (MCDUGALL KALEY FLORA) 23 December 1958 (1958-12-23) * the whole document *	1-13	
			TECHNICAL FIELDS SEARCHED (INCL.7)
			A45D A46B
The present search report has been drawn up for all claims			
Place of search MUNICH		Date of completion of the search 10 May 2004	Examiner Acerb1s, G
CATEGORY OF CITED DOCUMENTS			
<input type="checkbox"/> I : particularly relevant if taken alone <input type="checkbox"/> V : particularly relevant if combined with another document of the same category <input type="checkbox"/> A : technological background <input type="checkbox"/> P : non-written disclosure <input type="checkbox"/> F : intermediate document			
<input type="checkbox"/> T : theory or principle underlying the invention <input type="checkbox"/> E : earlier patent document, but published on, or after the filing date <input type="checkbox"/> D : document cited in the application <input type="checkbox"/> L : document cited for other reasons <input type="checkbox"/> & : member of the same patent family, corresponding document			

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Complete If Known

(Use as many sheets as necessary)

Sheet 1 of 1

Application Number	10/781,380
Filing Date	02/18/2004
First Named Inventor	KENNEDY
Art Unit	
Examiner Name	
Attorney Docket Number	6865-20-2

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T
		Country Code ² Number ¹ Kind Code ³ (if known)				
		JP-002-345543	12/03/2002	SAKAMOTO		
		CN-2320084-Y	05/26/1999	YU		
		GB-308,762-A	02/11/1959	MCDUGALL-KALEY		
		GB-319,778-A	09/09/1959	MCDUGALL-KALEY		

Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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OFFICE ACTION

APPLICATION NO.
DATE ACTION WAS DRAFTED
EXAMINER
AGENT
Article(s) that was /were applied

2004-042495
June 30, 2004
E. Kanamaru (Mr.)
Mamoru Ushiki
Article 29(2), 36 (Patent Law)

The application should be rejected for the following reasons. If applicant has any argument against this action, he/she must submit the same within 3 months from the date the action was transmitted.

Reasons

A. The invention in the claims listed below of the subject application should not be granted a patent under the provision of Patent Law Section 29(2) since it could have easily been made by persons who have common knowledge in the technical field to which the invention pertains, on the basis of the prior arts described in the publications listed below which were distributed in Japan or foreign countries prior to the filing of the subject application.

Note

Claims 1-6

Cited references

1. Japanese Unexamined Patent Publication No. 2002-345543 (herein after called as "the first reference")
2. Japanese Unexamined Patent Publication No. 2003-024128 (herein after called as "the second reference")
3. Japanese Unexamined Patent Publication No. 2001-224424 (herein after called as "the third reference")

Remarks

Re: Claims 1-6

The prior art described in the first reference comprises a housing, a brush, wherein the brush rotates relative to the housing, and a hair coloring material supplying portion, wherein the hair coloring material is placed so as to contact the brush. On the other hand, the hair coloring material applicator comprising an opening for receiving at least one strand of hair is described in the second and the third references. Other features such as configuration of a brush, rotation of the brush caused by a motor, a relative location between an opening and a hair coloring material supplying portion, biasing mechanism and a guide would have been obvious to one of ordinary skill in the art.

B. The present application does not meet the requirements as stipulated by paragraphs 6-2, Article 36 of Patent Law, under the hereinbelow-described particulars.

1. "A braking mechanism" is described in claim 18, however the braking mechanism is not technically graspable at all.